IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 205 of 2005 (S/B)

1. Bhuwannendra Bist
S/o Shri M.S.Bist,
Branch Manager,
Alaknanda Gramin Bank,
Srinagar,
District-Pauri Garhwal
2. Shankar Dutt Kuniyal
S/o Shri Madhwanand Kuniyal,
Branch Manager,
Alaknanda Gramin Bank,
Devikhal,
District-Pauri Garhwal
3. Naresh Singh Chalal
S/o Shri Kashiram Chalal,
Branch Manager,
Alaknanda Gramin Bank,
Kotrisain,
District-Pauri Garhwal ... Petitioners

Versus

1. Alaknanda Gramin Bank,
Agency, Civil Lines,Pauri
District Pauri Garhwal
through its Chairman.
2. Chairman,
Alaknanda Gramin Bank,
Agency, Civil Lines, Pauri
District Pauri Garhwal .....Respondents

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Mr. V.K.Bist, Senior Advocate for the petitioners.
Mr. S.K.Jain, Advocate for the respondents.

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JUDGMENT

Coram: Hon. Cyriac Joseph, C.J.
Hon. P.C.Pant, J.

CYRIAC JOSEPH, C.J. (Oral)

1. There are three writ petitioners in this writ petition. The reliefs claimed in the writ petition are the followings:

(a) to issue writ, direction or order in the nature of mandamus directing the respondents to declare promotion procedure for the post of Scale 'II' officer for the year 2004 by incorporating

therein that seniors amongst meritorious have to be selected as per"Rules".

(b) to issue a writ, direction or order in the nature of mandamus directing the respondents not to hold promotion till aforesaid promotion process is declared.

(c) to issue any other suitable writ order or direction which the Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

(d) to award the cost of the petition to the petitioners.

2. The main contention of the petitioners is in respect of the manner in which the principle of seniority-cum-merit is applied in the promotion to the cadre of Scale 'II' Officers. It is not disputed that the selection for promotion is made on the basis of written test, interview and performance appraisal report. The petitioners do not challenge the prescription of written test as part of selection process. At the same time, the petitioners have not appeared in the written test conducted for promotion in the year 2004. In view of the above position, the petitioners have no locus standi to question of section made for promotion in the year 2004.

3. Hence, the writ petition is dismissed.

(P.C. Pant, J.)
25.11.2005

(Cyriac Joseph, C.J.)
25.11.2005

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